(16)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5303 of 2007

PETITIONER Meghnath Bhardwaj, S/o Late Shri Baijnath Bhardwaj, aged about 52 years, Peon, Boys Hostel – Bandaji, Block – Lohandiguda, Distt. – Bastar (Jagdalpur) (C.G).

Versus

RESPONDENTS

1 State of Chhattisgarh, Through – The Secretary Department of Tribal Welfare/Education, D.K.S. Bhawan, Raipur (C.G.)

2 Commissioner Tribal Welfare, Chhattisgarh Govt. Raipur

3 Colletor, Distt.- Bastar (Jagdalpur) (C.G.)

4 Assistant Commissioner, Tribal Welfare Department, Distt. – Bastar (Jagdalpur) (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Anil Singh Rajput, counsel for the petitioner.
Ku. Sunita Jain, Panel Lawyer for the State, on advance copy.

ORAL ORDER
(14.09.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of Peon, has been transferred from Boys Hostel, Bandaji, Block Lohandiguda to Higher Secondary School Darbha on administrative grounds.

Learned counsel for the petitioner submits that the petitioner is a Class- IVth employee and he has been transferred in a ban period, therefore, transfer is in violation of policy dated 13th June, 2007.

Learned counsel for the State submits that the period for transfer has been extended upto 31st August,2007, therefore, there is no ground in favour of the petitioner.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better function of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafide or extraneous considerations or is against any statutory Rules or Act, it cannot be interfered by a Court of Law.

I do not find any reason to interfere with the order of transfer of the petitioner.

The petition has no merits and the same is dismissed at the motion stage.

Sd/-
Sunil Kumar Sinha
Judge

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